

1   **R277. Education, Administration.**

2   **R277-470. Charter Schools.**

3   **R277-470-1. Definitions.**

4       A. "Board" means the Utah State Board of Education.

5       B. "Charter schools" means schools acknowledged as  
6 charter schools by local boards of education under Section  
7 53A-1a-515 and this rule or by the Board under Section  
8 53A-1a-505.

9       C. "Charter school application" means the official  
10 chartering document by which a prospective charter school  
11 seeks recognition and funding under Section 53A-1a-505. The  
12 application includes the basic elements of the charter to be  
13 established between the charter school and the chartering  
14 board.

15       D. "Charter school deficiencies" means the following  
16 information:

17           (1) a charter school is not satisfying financial  
18 obligations as required by Section 53A-1a-505 in the charter  
19 school's written contractual agreement;

20           (2) a charter school is not providing required  
21 documentation following reasonable warning;

22           (3) compelling evidence of fraud or misuse of funds by  
23 charter school governing board members or employees.

24       E. "Charter school founding member" or "founding member"  
25 means an individual who had a significant role in the initial  
26 development of the charter school up until the first  
27 instructional day of school, the first year of operation, as  
28 submitted in writing to the State Charter School Board the  
29 first day of operation.

30       F. "Charter school governing board" means the board  
31 designated by the charter school to make decisions for the  
32 operation of the school similar to a local board of education.

33       G. "Days" means calendar days, unless specifically  
34 designated.

35       H. "Expansion" means a proposed ten percent increase of  
36 students or grade level(s) in an operating charter school at

37 a single location.

38 I. "Local education agency (LEA)" means a local board of  
39 education, combination of school districts, other legally  
40 constituted local school authority having administrative  
41 control and direction of free public education within the  
42 state, or other entities as designated by the Board, and  
43 includes any entity with state-wide responsibility for  
44 directly operating and maintaining facilities for providing  
45 public education.

46 J. "NAAS accreditation" means the formal process for  
47 evaluation and approval under the Standards for Accreditation  
48 of the Northwest Association of Accredited Schools or the  
49 accreditation standards of the Board, available from the Utah  
50 State Office of Education Accreditation Specialist.

51 K. "Neighborhood or traditional school" for purposes of  
52 this rule, means a public, non-charter school.

53 L. "New charter school" as provided in Section  
54 53A-21-401(5)(d) means any charter school through the first  
55 day of its second year with students, or a satellite school  
56 that requires a new location/campus.

57 M. "No Child Left Behind (NCLB)" means the federal law  
58 under the Elementary and Secondary Education Act, Title IX,  
59 Part A, 20 U.S.C. 7801.

60 N. "On-going funds" means funds that are appropriated  
61 annually by the Legislature with the expectation that the  
62 funds shall continue to be appropriated annually.

63 O. "Satellite school" means a charter school affiliated  
64 with an operating charter school having a common governing  
65 board and a similar program of instruction, but located at a  
66 different site or in a different geographical area. The  
67 parent school and all satellites shall be considered a single  
68 local education agency (LEA) for purposes of public school  
69 funding and reporting.

70 P. "State Charter School Board" means the board  
71 designated in Section 53A-1a-501.5.

72 Q. "Subaccount" means the Charter School Building

73 Subaccount consisting of funds provided under 53A-21-401(5)(b)

74 R. "Subaccount Committee" means the committee  
75 established by the Superintendent under Section 53A-21-401(6).

76 S. "Superintendent" means the State Superintendent of  
77 Public Instruction as designated under 53A-1-301.

78 T. "Urgent facility need" as provided in Section  
79 53A-21-401(5)(d) means an unexpected exigency that affects the  
80 health and safety of students such as:

81 (1) to satisfy an unforeseen condition that precludes a  
82 school's qualification for an occupancy permit; or

83 (2) to address an unforeseen circumstance that keeps the  
84 school from satisfying provisions of public safety, public  
85 health or public school code.

86 U. "USOE" means the Utah State Office of Education.

87 V. "Weighted Pupil Unit (WPU)" means the unit of measure  
88 that is computed in accordance with the Minimum School Program  
89 Act for the purpose of distributing revenue on a uniform basis  
90 for each pupil.

91 **R277-470-2. Authority and Purpose.**

92 A. This rule is authorized under Utah Constitution  
93 Article X, Section 3 which vests general control and  
94 supervision over public education in the Board, Section  
95 53A-1a-513 which directs the Board to distribute funds for  
96 charter school students directly to the charter school,  
97 Section 53A-1-401(3) which allows the Board to adopt rules in  
98 accordance with its responsibilities, and 20 U.S.C., Section  
99 8063(3) which directs the Board to submit specific information  
100 prior to charter schools' receipt of federal funds.

101 B. The purpose of this rule is to establish procedures  
102 for authorizing, funding, and monitoring charter schools and  
103 for repealing charter school authorizations. The rule also  
104 establishes timelines as required by law to provide for  
105 adequate training for beginning charter schools[~~and to ensure~~  
106 ~~parent involvement on charter school boards~~].

107 **R277-470-3. Maximum Authorized Charter School Students.**

108 A. Local school boards may not approve district-chartered  
109 schools unless they notify the State Charter School Board by  
110 August 15 two years prior to opening of proposed  
111 district-chartered schools and estimated numbers of students.

112 B. The Board, in consultation with the State Charter  
113 School Board, may approve schools, expansions and satellite  
114 charter schools for the total number of students authorized  
115 under 53A-1a-502.5

116 C. District-chartered schools submitting applications  
117 shall be considered with all new charters.

118 D. Charter schools identified as undersubscribed for  
119 three consecutive years shall be notified of their status and  
120 may be required to remand extra students for reallocation by  
121 the State Charter School Board or timelines provided by the  
122 State Charter School Board.

123 **R277-470-4. Charter School Orientation and Training.**

124 A. Beginning with the 2006-2007 school year, all charter  
125 school applicants shall attend orientation/training sessions  
126 designated by the State Charter School Board.

127 B. Orientation meetings shall be scheduled at least  
128 quarterly and be~~held regionally or be~~ available  
129 electronically, as determined by the State Charter School  
130 Board.

131 C. Charter schools and applicants that attend  
132 orientation/training sessions shall be eligible for additional  
133 funds, upon approval, in an amount to be determined by the  
134 State Charter School Board provided through federal charter  
135 school funds or a General Fund appropriation to the extent of  
136 funds available. Charter school applicants that attend  
137 training and orientation sessions may receive priority for  
138 approval from the State Charter School Board and the Board.

139 D. Orientation/training sessions shall provide  
140 information including:

141 (1) charter school implementation requirements;

142 (2) charter school statutory and Board requirements;  
143 (3) charter school financial and data management  
144 requirements;  
145 (4) charter school legal requirements;  
146 (5) federal requirements for charter school funding; and  
147 (6) other items as determined by the State Charter School  
148 Board.

149 **R277-470-5. New or Expanding Charter School Notification to**  
150 **Prospective Students and Parents.**

151 A. All charter schools opening or expanding by at least  
152 ten percent of overall enrollment or adding one or more grade  
153 levels after July 1, 2007 shall notify all families consistent  
154 with the schools' outreach plans described in the charter  
155 agreements of:

156 (1) a new or expanding charter school's purpose, focus  
157 and governance structure, including names, qualifications, and  
158 contact information of governing board members;

159 (2) the number of new students that will be admitted  
160 into the school by grade;

161 (3) the proposed school calendar for the charter school  
162 including at a minimum the first and last days of school,  
163 scheduled holidays, pre-scheduled professional development  
164 days (no student attendance), and other scheduled non-school  
165 days;

166 (4) the charter school's timelines for acceptance or  
167 rejection of new students consistent with Section 53A-1a-  
168 506.5;

169 (5) a State-approved student charter school application  
170 (beginning with the 2008-09 school year);

171 (6) procedures for transferring to or from a charter  
172 school, together with applicable timelines; and

173 (7) provide for payment, if required, of a one-time fee  
174 per secondary school enrollment, not to exceed \$5.00,  
175 consistent with Section 53A-12-103.

176 ~~[B. Beginning with charter schools that are opening or~~

~~expanding for the 2007-08 school year, charter schools shall provide written notice of the information in R277-470-5A consistent with the school's outreach plan and at least 150 days before the proposed opening day of school beginning with the 2008-09 school year; or]~~

[E]B. Beginning with charter schools that are opening or expanding for the 2007-08 school year, charter schools shall have an operative and readily accessible electronic website providing information required under R277-470-5A in place, and for schools opening after the 2007-08 school year at least 150 days before the proposed first day of school. The completed charter school website shall be provided to the State Charter School Board at least ~~[170]~~180 days prior to the proposed opening day of school. The State Charter School Board shall require new charter schools to have websites that may be reviewed by the State Charter School Board prior to the schools posting the websites publicly.

**R277-470-6. Transfer Student Criteria.**

A. Charter schools shall allow students to transfer from one charter school to another and enroll students only consistent with Sections 53A-1a-506.5(2) through (6), including timelines.

B. Charter schools shall provide notice to a withdrawing student's school of residence consistent with Section 53A-1a-506.5(5) and using USOE-designated transfer forms.

C. Both charter schools and neighborhood schools shall enroll students and exchange student information consistent with 53A-1a-506.5(2)(c) and 53A-11-504 and using USOE-designated transfer forms.

D. Both charter schools and neighborhood schools shall have policies that provide procedures for properly excluding students and notifying students and parents under 53A-11-903 and 53A-11-904.

E. Neither neighborhood schools nor charter schools may discourage students from attending schools of choice in

212 violation of state or federal law.

213 F. Neither charter schools nor neighborhood schools shall  
214 be required to enroll students who have been properly excluded  
215 from public schools under 53A-11-903 and 53A-11-904.

216 **R277-470-7. Timelines - Charter School Starting Date.**

217 A. The State Charter School Board shall accept a proposed  
218 starting date from a charter school applicant, or the State  
219 Charter School Board shall negotiate and recommend a starting  
220 date prior to recommending final charter approval to the  
221 Board.

222 B. A local or state-chartered school shall be approved by  
223 November 30, two years prior to the school year it intends to  
224 serve students in order to be eligible for state funds.

225 C. A local or state-chartered school shall acquire a  
226 facility and enter into a written agreement, or begin  
227 construction on a new or existing facility no later than  
228 January 1 of the year the school is scheduled to open. Each  
229 state-chartered school shall submit any lease, lease-purchase  
230 agreement, or other contract or agreement relating to the  
231 charter school's facilities or financing the charter school  
232 facilities to its chartering entity for review and advice  
233 prior to the charter school entering into the lease,  
234 agreement, or contract, consistent with Section 53A-1a-507(9).

235 D. If students are not enrolled and attending classes by  
236 October 1, a charter school shall not receive funding from the  
237 state for that school year.

238 E. Despite a charter school meeting starting dates, a  
239 charter school shall be required to satisfy R277-419  
240 requirements of 180 days and 990 hours of instruction time,  
241 unless otherwise exempted by the Board under 53A-1a-511.

242 F. The Board may, following review of information,  
243 approve the recommended starting date or determine a different  
244 charter school starting date after giving consideration to the  
245 State Charter School Board recommendation.

**R277-470-8. Remediating Charter School Financial Deficiencies.**

A. Upon receiving credible information of charter school financial deficiencies, the State Charter School Board shall immediately direct a review or audit through the charter school governing board, by State Charter School Board staff, or by an independent auditor hired by the State Charter School Board.

B. The State Charter School Board or the Board through the State Charter School Board may direct a charter school governing board or the charter school administration to take reasonable action to protect state or federal funds consistent with Section 53A-1a-510.

C. The State Charter School Board or the Board in absence of the State Charter School Board action may:

(1) allow a charter school governing board to hold a hearing to determine financial responsibility and assist the charter school governing board with the hearing process;

(2) immediately terminate the flow of state funds; or

(3) recommend cessation of federal funding to the school;

(4) take immediate or subsequent corrective action with employees who are responsible for financial deficiencies; or

(5) any combination of the foregoing (1), (2), (3) and (4).

D. The recommendation by the State Charter School Board shall be made within 20 school days of receipt of complaint of deficiency(ies).

E. The State Charter School Board may exercise flexibility for good cause in making recommendation(s) regarding deficiency(ies).

F. The Board shall consider and affirm or modify the State Charter School Board's recommendation(s) for remediating a charter school's financial deficiency(ies) within 60 days of receipt of information from the State Charter School Board.

G. In addition to remedies provided for in Section 53A-1a-509, the State Charter School Board may provide for a remediation team to work with the school.



282 **R277-470-9. Charter School Financial Practices and Training.**

283 A. Charter school business and financial staff shall  
284 attend USOE required business meetings for charter schools.

285 B. Local charter school board members and directors  
286 shall be invited to all applicable Board-sponsored training,  
287 meetings, and sessions for traditional school district  
288 financial personnel/staff if charter schools supply current  
289 staff information and addresses and indicate the desire to  
290 attend.

291 C. The Board shall work with other education agencies to  
292 encourage their inclusion of charter school representatives at  
293 training and professional development sessions.

294 D. A charter school shall appoint a business  
295 administrator consistent with Sections 53A-3-302 and 303. The  
296 business administrator shall be responsible for the submission  
297 of all financial and statistical information required by the  
298 Board.

299 E. The Board may interrupt disbursements to charter  
300 schools for failure to comply with financial and statistical  
301 information required by law or Board rules.

302 F. Charter schools are not eligible for necessarily  
303 existent small schools funding under Section 53A-17a-109(2)  
304 and R277-445.

305 G. Charter schools shall comply with R277-471, Oversight  
306 of School Inspections.

307 **R277-470-10. Procedures and Timelines for Schools Chartered**  
308 **by Local Boards to Convert to Board-Chartered Schools.**

309 A. A charter school chartered initially by a local board  
310 of education shall notify the local board that it will seek  
311 Board approval for a state conversion to its charter with  
312 adequate notice for the local board to make staffing  
313 decisions.

314 B. A locally chartered school shall operate successfully  
315 for at least nine months prior to applying for conversion to  
316 a Board chartered school[, ~~consistent with R277-470-4~~].

317 C. A charter school shall submit an application to  
318 convert from a locally chartered school to a Board chartered  
319 school to the State Charter School Board; the State Charter  
320 School Board shall provide an application for schools seeking  
321 to convert.

322 D. The application may require some or all of the  
323 following, depending upon the school's longevity, successful  
324 operation and existing documentation at the USOE:

325 (1) current board members and founding members;

326 (2) audit and financial records:

327 (a) record of state payments received;

328 (b) record of contributions received by the school from  
329 inception to date;

330 (c) test scores, including calendar of testing;

331 (d) current employees: identifying assignments and  
332 licensing status, if applicable;

333 (e) student lists, including home addresses or uniform  
334 student identifiers for current students;

335 (f) school calendar for previous school year and  
336 prospective school year;

337 (g) course offerings, if applicable;

338 (h) affidavits, signed by all board members providing or  
339 certifying (documentation may be required):

340 (i) the school's nondiscrimination toward students and  
341 employees;

342 (ii) the school's compliance with all state and federal  
343 laws;

344 (iii) that all information on application provided is  
345 complete and accurate;

346 (iv) that school meets/complies with all health and  
347 safety codes/laws;

348 (v) that the school is current with all required policies  
349 (personnel, salaries, and fees), including board minutes for  
350 the most recent three months;

351 (vi) that the school is operating consistent with the  
352 school's charter;

353 (vii) the school's Annual Yearly Progress status under No  
354 Child Left Behind;

355 (viii) that there are no outstanding lawsuits or  
356 judgments or identifying outstanding lawsuits filed or  
357 judgments against the school;

358 (ix) that the previous local board of education supports  
359 or does not support conversion;

360 E. Applications for conversion from locally chartered to  
361 Board chartered shall be considered by the State Charter  
362 School Board within 60 days of submission of complete  
363 applications, including all required documentation.

364 F. Following approval by the State Charter School Board,  
365 proposals of charter schools seeking conversion approval shall  
366 be submitted to the Board for review.

367 G. If an applicant is not accepted for conversion, the  
368 State Charter School Board shall provide adequate information  
369 for the charter school to review and revise its proposal and  
370 reapply no sooner than nine months from the previous  
371 conversion application.

372 H. The Board shall consider the conversion application  
373 within 45 days of State Charter School Board approval, or next  
374 possible monthly Board meeting, whichever is sooner.

375 I. Final approval or denial of conversion is final  
376 administrative action by the Board.

377 **R277-470-11. Charter Schools and NCLB Funds.**

378 A. Charter schools that desire to receive NCLB funds  
379 shall comply with the requirements of R277-470-11.

380 B. To obtain its allocation of NCLB formula funds, a  
381 charter school shall complete all appropriate sections of the  
382 Consolidated Utah Student Achievement Plan (CUSAP) and  
383 identify its economically disadvantaged students in the  
384 October upload of the Data Clearinghouse

385 C. If the school does not operate a federal school lunch  
386 program, the school:

387 (1) shall determine the economically disadvantaged status

for its students on the basis of criteria no less stringent than those established by the U.S. Department of Agriculture for identifying students who qualify for reduced price lunch for the fiscal year in question; or

(2) may use the Charter School Declaration of Household Income form provided by the USOE for this purpose.

D. A school which does not use the form shall maintain equivalent documentation in its records, which may be subject to audit.

#### **R277-470-12. Charter School Parental Involvement.**

A. Charter schools shall encourage and provide opportunities for greater parental involvement in management decisions at the school level~~[maintain active involvement of parents of current charter school students.~~

~~—— B. Beginning with the 2007-2008 school year, all charter schools shall have at least one elected parent representative chosen by and from parents of students currently attending the charter school to serve on a rotating basis as a voting member on the charter school's governing board with additional parents of students currently attending the charter school totaling a minimum of twenty five percent of the governing board.~~

~~—— C. A charter school's charter shall provide the election process and selection process for selecting the required parent representative(s) for the governing board and the rotating terms for elected and identified parents].~~

~~[D]~~B. Charter schools that ~~[apply for]~~elect to receive School LAND Trust funds shall have a committee consisting of a majority of parents elected from parents of students currently attending the charter school ~~[on the committee]~~that is designated to make decisions about the School LAND Trust funds consistent with R277-477-3~~[D]~~E.

#### **R277-470-13. Charter School Oversight and Monitoring.**

A. The State Charter School Board shall provide direct

oversight to the state's board chartered schools, including:

(1) requiring that all charter schools shall be members of Northwest and be accredited by Northwest;

~~[(1) creation of an accountability review process which shall include:~~

~~—— (a) approval of first year charter school accountability plans which may consist of:~~

~~—— (i) revised charter effectiveness goals or accountability plan for elementary schools; or~~

~~—— (ii) revised charter effectiveness goals or accountability plan and official application for NAAS accreditation.~~

~~—— (b) visit to charter school at least once during its first year of operation;~~

~~—— (c) visit(s) to charter school as determined in the review process; and~~

~~—— (d) written reports to charter schools after each visit.]~~

(2) annual review of student achievement indicators for all schools, disaggregated for various student subgroups;

(3) quarterly review of summary financial records and disbursements and student enrollment;

(4) annual review conducted through site visits or random audits of personnel matters such as employee licensure and evaluations;

~~[(5) review and approval of first year charter school accountability plans, which may be the charter effectiveness goals or official application for NAAS accreditation;]~~

~~[(6)]~~(5) regular review of other matters specific to effective charter school operations as determined by the USOE charter school staff; and

~~[(7)]~~(6) audits and investigations of claims of fraud or misuse of public assets or funds; and

(7) requiring that charter schools are in compliance with their charter agreement, as maintained by the USOE. It is presumed that the charter agreement maintained by the USOE is the final, official and complete agreement.

B. The Board retains the right to review or repeal charter school authorization based upon factors that may include:

- (1) financial deficiencies or irregularities; or
- (2) persistently low student achievement inconsistent with comparable schools; or
- (3) failure of the charter school to comply with state law, Board rules, or directives; or
- (4) failure to comply with currently approved charter commitments.

C. All charter schools shall amend their charters to include the following statement:

To the extent that any charter school's charter conflicts with applicable federal or state law or rule, the charter shall be interpreted and enforced to comply with such law or rule and all other provisions of the charter school shall remain in full force and effect.

D. District charter school authorizers shall:

- (1) visit a charter school at least once during its first year of operation;
- (2) visit a charter school as determined in the review process; and
- (3) provide written reports to the charter schools after the visits.

**R277-470-14. Approved Charter School Expansion.**

A. The following shall apply to requests for expansion for approved and operating charter schools:

- (1) The school satisfies all requirements of state law and Board rule.
- (2) The approved Charter Agreement shall provide for an expansion consistent with the request; or
- (3) The charter school governing board has submitted a formal amendment request to the State Charter School Board

493 that provides documentation that:

494 (a) the school district in which the charter school is  
495 located has been notified of the proposed expansion in the  
496 same manner as required in Section 53A-1s-505(1);

497 (b) the school can accommodate the expansion within  
498 existing facilities or that necessary structures will be  
499 completed, meeting all requirements of law and Board rule, by  
500 the proposed date of operation;

501 (c) the school currently satisfies all requirements of  
502 state law and Board rule including adequate insurance,  
503 adequate parental involvement, compliance with all fiscal  
504 requirements, and adequate services for all special education  
505 students at the school;

506 (d) students at the school are performing on standardized  
507 assessments at an acceptable level with stable scores or  
508 scores showing an upward trend;

509 (e) adequate qualified administrators and staff shall be  
510 available to meet the needs of the increased number of  
511 students at the time the expansion is implemented.

512 B. The charter school governing board shall file a  
513 request with the State Charter School Board for an expansion  
514 no later than April 1 two years prior to the date of the  
515 proposed implementation of the expansion.

516 C. Expansion requests shall be considered by the State  
517 Charter School Board as part of the total number of charter  
518 school students allowed under 53A-1a-502.5(1).

519 **R277-470-15. Satellite School for Approved Charter Schools.**

520 A. An existing charter school may submit an amendment  
521 request to the State Charter School Board for a satellite  
522 school no later than April 1 two years prior to the date of  
523 the proposed implementation of the satellite if the charter  
524 school fully satisfies the following:

525 (1) The school currently satisfies all requirements of  
526 state law and Board rule including adequate insurance,  
527 adequate parental involvement, compliance with all fiscal

requirements, and adequate services for all special education students at the school;

(2) The school has operated successfully for at least three years;

(3) Students at the school are performing on standardized assessments at an acceptable level with stable scores or scores showing an upward trend;

(4) The proposed satellite school will provide educational services, assessment, and curriculum consistent with the services, assessment, and curriculum currently being offered at the existing charter school;

(5) The school shall be financially stable; there have been no repeat findings of deficiencies on required outside audits for at least two consecutive years;

(6) Adequate qualified administrators, including at least one onsite administrator, and staff are available to meet the needs of the proposed student population at the satellite site school;

(7) The school has had an audit by Charter School Section staff regarding performance of the current charter agreement, contractual agreements, and financial records; and

(8) The school provides any additional information or documentation requested by the Charter School Section staff or the Board.

(9) A satellite school that receives School LAND Trust funds shall have a School LAND Trust committee and satisfy all requirements for School LAND Trust committees consistent with R277-477.

B. The satellite school amendment request shall include the following:

(1) Written certification from the charter school governing board that the charter school currently satisfies all requirements of state law and Board rule;

(2) A detailed explanation of the governance structure for the satellite school, including appointed, elected and parent representation on the governing board, parental



564 involvement and professional staff involvement in implementing  
565 the educational plan. The applicant charter school shall  
566 include at least two voting parent members representing the  
567 parents of students at the satellite school on its governing  
568 board; at least one parent shall be elected by parents of  
569 students attending the satellite school;

570 (3) Information detailing the grades to be served, the  
571 number of students to be served and general information  
572 regarding the physical facilities anticipated to serve the  
573 school;

574 (4) A detailed financial plan for the satellite school;

575 (5) A signed acknowledgment by the charter school  
576 governing board certifying board members' understanding that  
577 a physical site for the building must be secured no later than  
578 January 1 of the year the satellite school is scheduled to  
579 open;

580 (a) the securing of the building site must be verified  
581 by a real estate closing document, signed lease agreement, or  
582 other contract indicating a right of occupancy pursuant to  
583 R277-470-7C;

584 (b) failure to secure a site by the required date may,  
585 at the discretion of the State Charter School Board, delay the  
586 opening of the satellite school for at least one academic  
587 year.

588 (6) Notification to both the school district in which  
589 the charter school is located and the school district of the  
590 proposed satellite school location in the same manner as  
591 required in Section 53A-1a-505(1);

592 (7) Written certification that no later than 15 days  
593 after securing a building site, the charter school governing  
594 board shall notify the school district in which the charter  
595 school satellite school is located of the school location,  
596 grades served, and anticipated enrollment by grade with a copy  
597 of the notification sent to the State Charter School Board;  
598 and

599 (8) A signed acknowledgment by the charter school

governing board that the board understands the satellite school shall be held accountable for its own AYP report and disaggregated financial data and reports.

C. The approval of the satellite school by the State Charter School Board requires ratification by the State Board of Education and will expire 24 months following such ratification if a building site has not been secured for the satellite school.

D. A charter school may not apply for more than three satellite locations.

#### **R277-470-16. Transportation.**

A. Charter schools are not eligible for to-and-from school transportation funds.

B. A charter school that provides transportation to students shall comply with Utah law Section 53-8-211.

C. A school district may provide transportation for charter school students on a space-available basis on approved routes.

(1) School districts may not incur increased costs or displace eligible students to transport charter school students.

(2) A charter school student shall board and leave the bus only at existing designated stops on approved bus routes or at identified destination schools.

(3) A charter school student shall board and leave the bus at the same stop each day.

(4) Charter school students and their parents who participate in transportation by the school district as guests shall receive notice of applicable district transportation policies and may forfeit with no recourse the privilege of transportation for violation of the policies.

#### **R277-470-17. Charter School Building Subaccount.**

A. The Board shall establish or reauthorize a Subaccount Committee consistent with 53A-21-401(6) by July 15 annually.

634 (1) The Superintendent, on behalf of the Board, may  
635 annually accept nominations of individuals who meet the  
636 qualifications of 53A-21-401(6)(a) from interested parties,  
637 including individuals nominating themselves, before June 1.  
638 The Board shall appoint five Subaccount Committee members; the  
639 Committee shall consider the Governor's nomination as one of  
640 the five appointees and the State Charter School Board's  
641 nomination as one of the five appointees.

642 (2) Per Section 53A-21-401(6)(a), the governor shall  
643 nominate one individual who meets the qualifications of  
644 53A-21-401(6)(a) before the Board appoints Committee members.

645 (3) The State Charter School Board shall nominate one  
646 individual who meets the qualifications of Section 53A-21-  
647 401(6)(a) before June 1 consistent with R277-470-17A(1).

648 ([3]4) Subaccount Committee members shall be appointed by  
649 the Board to terms that do not exceed three years.

650 (a) In order to stagger terms, terms of appointed  
651 Committee members shall be determined by the Board, upon the  
652 effective date of this rule.

653 (b) Future Committee members shall serve three year  
654 terms.

655 (c) The USOE Charter School Director or designee shall be  
656 a non-voting Subaccount Committee member.

657 B. The Subaccount Committee shall develop and the USOE  
658 shall make available a loan application that includes criteria  
659 designated under Sections 53A-21-401(6)(b) and (8).

660 C. The Subaccount Committee shall include other criteria  
661 or information from loan applicants that the committee or the  
662 Board determines to be necessary and helpful in making final  
663 recommendations to the Superintendent, the State Charter  
664 School Board and the Board. The Subaccount Committee shall  
665 also establish terms~~[-and conditions]~~ for loan repayment.

666 D. Applications for loans shall be accepted on an  
667 ongoing basis, subject to eligibility criteria and  
668 availability of funding.

669 (1) To apply for a loan, a charter school shall submit

the information requested on the Board's most current loan application form together with the requested supporting documentation.

(2) The application shall include a resolution from the governing board of the charter school that the governing board, at a minimum:

(a) agrees to enter into the loan as provided in the application materials;

(b) agrees to the interest established by the Subaccount Committee and repayment schedule of the loan designated by the Subaccount Committee and the Board;

(c) agrees that loan funds shall only be used consistent with the purposes of Section 53A-21-401(5)(c) and the purpose of the approved charter;

(d) agrees to any and all audits or financial reviews ordered by the Subaccount Committee or the Board;

(e) agrees to any and all inspections or reviews ordered by the Subaccount Committee or the Board;

(f) understands that repayment, including interest, shall be deducted automatically from the charter school's monthly fund transfers, as appropriate.

E. The Subaccount Committee shall not make recommendations to the Superintendent, the State Charter School Board or the Board until the committee receives complete and satisfactory information from the applicant and the Subaccount Committee has reached a majority recommendation.

F. The submission of intentionally false, incomplete or inaccurate information from a loan applicant shall result in immediate cancellation of any previous loan(s), the requirement for immediate repayment of any funds received, denial of subsequent applications for a 12 month period from the date of the initial application, and possible Board revocation of a charter.

G. The Superintendent, in consultation with USOE and State Charter Board staff, shall review recommendations from

706 the Subaccount Committee and make final recommendations to the  
707 Board.

708 H. The Superintendent shall submit final recommendations  
709 from the Subaccount Committee to the Board no more than 60  
710 days after submission of all information and materials from  
711 the loan applicant to the Subaccount Committee.

712 I. The Board may request additional information from loan  
713 applicants or a reconsideration of a recommendation by the  
714 Subaccount Committee.

715 J. The Board's approval or denial of loan applications  
716 constitutes the final administrative action in the charter  
717 school building revolving loan process.

718 **R277-470-18. Appeals Criteria and Procedures.**

719 A. Only an operating charter school, a charter school  
720 that has been recommended by the State Charter School Board to  
721 the Board, or a charter school applicant that has met State  
722 Charter School Board requirements for review by the full State  
723 Charter School Board, may appeal State Charter School Board  
724 administrative decisions or recommendations to the Board.

725 B. Only the following State Charter School Board  
726 administrative decisions or recommendations may be appealed to  
727 the Board:

728 (1) recommendation for termination of a charter;

729 (2) recommendation for denial of expansions or satellite  
730 schools;

731 (3) recommendation for denial of local charter board  
732 proposed changes to approved charters;

733 (4) recommendation for denial or withholding of funds  
734 from local charter boards; and

735 (5) recommendation for denial of a charter.

736 C. No other issues may be appealed.

737 D. Appeals procedures and timelines

738 (1) The State Charter School Board shall, upon taking any  
739 of the administrative actions under R277-470-17A:

740 (a) provide written notice of denial to the charter

741 school or approved charter school;

742 (b) provide written notice of appeal rights and timelines  
743 to the local charter board chair or authorized agent; and

744 (c) post information about the appeals process on the  
745 State Charter School Board website and provide training to  
746 prospective charter school board members and staff regarding  
747 the appeals procedure.

748 (2) A local charter school board chair or authorized  
749 agent (appellant) may submit a written appeal to the State  
750 Superintendent within 14 calendar days of the State Charter  
751 School Board administrative action or recommendation.

752 (3) The Superintendent shall, in consultation with the  
753 Board chair, designate three to five Board members and a  
754 hearing officer, who is not a Board member, to act as an  
755 objective hearing panel.

756 (4) The hearing officer, in consultation with the  
757 Superintendent, shall set a hearing date and provide notice to  
758 all parties, including the State Charter School Board staff  
759 and State Charter School Board.

760 (5) The Hearing shall be held no more than 45 days  
761 following receipt of the written appeal.

762 (6) The hearing officer shall establish procedures that  
763 provide fairness for all parties, which may include:

764 (a) a request for parties to provide a written  
765 explanation of the appeal and related information and  
766 evidence;

767 (b) a determination of time limits and scope of testimony  
768 and witnesses;

769 (c) a determination for recording the hearing;

770 (d) preliminary decisions about evidence; and

771 (e) decisions about representation of parties.

772 (7) The hearing panel shall make written findings and  
773 provide an appeal recommendation to the Board no more than 10  
774 calendar days following the hearing.

775 (8) The Board shall take action on the hearing report  
776 findings at the next regularly scheduled Board meeting.

777           (9) The recommendation of the State Charter School Board  
778 shall be in place pending the conclusion of the appeals  
779 process, unless the Superintendent in her sole discretion,  
780 determines that the State Charter School Board's  
781 recommendation or failure to act presents a serious threat to  
782 students or an imminent threat to public property or  
783 resources.

784           (10) All parties shall work to schedule and conclude  
785 hearings as fairly and expeditiously as possible.

786           (11) The Board's acceptance or rejection of the hearing  
787 report is the final administrative action on the issue.

788   **R277-470-19. Miscellaneous Provisions.**

789           A. The State Charter School Board and the Board shall,  
790 in the recommendation and approval process, consider and may  
791 give priority to charter school applications that target  
792 underserved student populations, among traditional public  
793 schools and operating charter schools.

794           (1) Underserved student populations may include low  
795 income students, students with disabilities, English Language  
796 Learners (ELL), or students in remote areas of the state who  
797 have limited access to the full range of academic courses;

798           (2) Priority may also be given to charter school  
799 applicants for proposed schools that do not have other charter  
800 schools within the school district; and

801           (3) To be given priority, the charter school application  
802 and proposed employee and site information shall support the  
803 school's designated focus.

804           B. The State Charter School Board shall provide a form on  
805 its website for individuals to report threats to health,  
806 safety, or welfare of students consistent with 53A-1a-510(3).

807           (1) Individuals making reports shall be directed to  
808 report suspected criminal activity to local law enforcement  
809 and suspected child abuse to local law enforcement or the  
810 Division of Child and Family Services consistent with  
811 62A-4a-403 and 53A-11-605(4).

(2) Additionally, Individuals may report threats to the health, safety, or welfare of students to the local charter board.

(a) reports shall be made in writing;

(b) reports shall be timely;

(c) anonymous reports shall not be reviewed further.

(3) Local charter boards shall verify that potential criminal activity or suspected child abuse has been reported consistent with state law and this rule.

(4) Local charter boards shall act promptly to investigate disciplinary action, if appropriate, against students who may be participants in threatening activities or take appropriate and reasonable action to protect students or both.

**KEY: education, charter schools**

**Date of Enactment or Last Substantive Amendment: [~~December 8, 2008~~]2009**

**Notice of Continuation: October 9, 2008**

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